

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KEVIN CORTINA, Individually and On)	Case No. 15-cv-10162
Behalf of All Others Similarly Situated,)	
)	Hon. Jesse M. Furman
Plaintiff,)	
)	
v.)	
)	
ANAVEX LIFE SCIENCES CORP.,)	
CHRISTOPHER U. MISSLING, SANDRA)	
BOENISCH, and ATHANASIOS)	
SKARPELOS,)	
)	
Defendants.)	

DEFENDANTS' MOTION FOR JUDICIAL NOTICE

In connection with Defendants' Motion to Dismiss, Defendants respectfully request that this Court take judicial notice of the following documents under Rule 201 of the Federal Rules of Evidence:

Exhibit 1	Anavex Life Sciences Corp., Quarterly Report (Form 10-Q), filed Aug. 11, 2016
Exhibit 2	Anavex Life Sciences Corp., Press Release dated August 11, 2016

The Form 10Q attached as Exhibit 1 states, in relevant part, “[T]he Securities and Exchange Commission (SEC) staff advised the Company’s legal counsel that the staff did not intend to recommend enforcement action by the Commission against the Company in connection with the investigation previously described in the Company’s 2015 Annual Report on Form 10-K.” Ex. 1 at 19. The press release attached as Exhibit 2 states, in relevant part, “The SEC staff recently advised Company’s legal counsel that the staff did not intend to recommend enforcement action by the Commission against the Company in connection with the investigation previously described in the company’s 2015 Report on Form 10-K.” Ex. 2 at 1.

This Court may take judicial notice of Exhibits 1 and 2 because they are matters of public record, their contents are relevant to the instant motion, and their authenticity is readily verifiable. *See* Fed. R. Evid. 201(b); *Porrazzo v. Bumble Bee Foods, LLC*, 822 F. Supp.2d 406, 411-12 (S.D.N.Y. Sept. 30, 2011) (“it is well-established that courts may take judicial notice of publicly available documents on a motion to dismiss”); *In re DDAVP Indirect Purchaser Antitrust Litig.*, 903 F. Supp. 2d 198, 208 (S.D.N.Y. Oct. 17, 2012) (“When deciding a motion to dismiss, the Court is entitled to consider . . . public disclosure documents required by law to be, and that have been, filed with the Securities and Exchange Commission”); *Christine Asia Co., Ltd. v. Alibaba Grp. Holding Limited*, No. 15-md-02631, 2016 WL 3648965, at n.3 (S.D.N.Y. June 24, 2016) (“The Court may consider matters of which judicial notice may be taken under Federal Rule of Evidence 201, including press releases”) (internal quotations removed).

For the foregoing reasons, Defendants respectfully request that this Court grant Defendants’ Motion for Judicial Notice.

August 17, 2016

Respectfully Submitted,
/s/ David H. Kistenbroker

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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2016 *Defendants' Motion for Judicial Notice* and the *Declaration of David H. Kistenbroker in support of Defendants' Motion to take Judicial Notice* were filed through the ECF system for electronic serve to the registered participants.

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